

**SUPREME COURT MINUTES
WEDNESDAY, MAY 31, 2006
SAN FRANCISCO, CALIFORNIA**

S139171**FIRESIDE BANK v. (SANDRA
GONZALEZ)**

The application of California Bankers Association for permission to file an amicus curiae brief in support of petitioner is hereby granted.

An answer thereto may be served and filed by any party within twenty days of filing that brief.

S142355 C048686 Third Appellate District**P. (T.), IN RE**

The order filed on May 22, 2006, extending time to grant or deny review until July 3, 2006, is amended to read the court of appeal reflected above.

S142720 F047839 Fifth Appellate District**H. (JESSE), IN RE**

The order filed on May 24, 2006, denying the petition for review is amended as to the court of appeal number reflected above.

S143523**KINGSBERRY (RICHARD) v. S.C.
(PEOPLE)**

Transferred to CA 4/3 for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S143612**CALIFORNIANS FOR
JUSTICE EDUCATION
FUND v . S.C. (STATE
BOARD OF EDUCATION
AND JACK O'CONNELL)**

The petition for writ of mandate and "motion for immediate stay" in the above-entitled matter are transferred to the Court of Appeal, First Appellate District, Division Four.

S143657**7 ELEVEN, INC. v. A.B.C. (JOLLY)**

Transferred to CA 4/1.

S143660**7 ELEVEN, INC. v. A.B.C.**

Transferred to CA 4/2.

S143668

Transferred to CA 4/1.

7-ELEVEN, INC. v. A.B.C.**S143680**

Transferred to CA 6.

**RONDON (MARCO) v.
A.B.C.****S143681**

Transferred to CA 4/1.

7-ELEVEN v. A.B.C.**S143682**

Transferred to CA 2.

**CIRCLE K. STORES v. A.B.C.
et al.****S143711**

Transferred to CA 2.

7-ELEVEN, INC. v. A.B.C. (JOLLY)**S142139****HOLZINGER ON DISCIPLINE**

It is hereby ordered that **ROBERT ERICK HOLZINGER, State Bar No. 200278** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. **Robert Erick Holzinger** is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S142140**CUNNINGHAM ON DISCIPLINE**

It is hereby ordered that **DAVID ROHM CUNNINGHAM, State Bar No. 38892**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S142141**BROWNE ON DISCIPLINE**

It is ordered that **DAVID MILTON BROWNE, State Bar No. 93576**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on January 26, 2006, as modified by its order filed February 27, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-third of said costs be paid with membership fees for the

years 2007, 2008 and 2009. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S142142**WHARTON ON DISCIPLINE**

It is ordered that **JAMES HOWARD WHARTON, State Bar No. 64718**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 60 days and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California, as recommended by the Hearing Department of the State Bar Court in its decision filed on January 13, 2006. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S142143**WEILER ON DISCIPLINE**

It is ordered that **Robert James Ohlweiler, State Bar No. 117384**, be suspended from the practice of law for two years and until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; that execution of suspension be stayed; and that he be placed on probation for two years on condition that he be actually suspended for thirty days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed February 3, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10, and one half of said costs be paid with membership fees for the years 2007 and 2008. It is further ordered that if Robert Ohlweiler fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

F049887 Court of Appeal, Fifth Appellate District

G. (THOMAS) (PEOPLE) v. G. (THOMAS)

The above-entitled matter, now pending in the Court of Appeal, Fifth Appellate District is transferred to the Court of Appeal.